

# **EXHIBIT AY**

**Resolution Agreement**  
 East Side Union High School District  
 Case No. 09-14-1242

The U.S. Department of Education, Office for Civil Rights (OCR) initiated the above referenced investigation pursuant to Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100. In order to resolve the compliance concerns identified by OCR, and without admitting to any violation of state or federal law, East Side Union High School District (District) agrees to implement this Resolution Agreement (Agreement).

**Agreement Principles – Safe and Equitable Schools**

The District's goal is to establish and sustain healthy and safe school cultures through relationship-centered practices to keep students engaged in their learning environment. The District is committed to nondiscrimination in discipline, and to treating all students fairly and equitably in the administration of discipline, without regard to race, color, or national origin. To the maximum extent possible, the District strives to adopt and implement student discipline policies and procedures that: 1) keep students in the classroom, learning; 2) ensure consistent and equitable implementation of research-based alternatives to exclusion; and 3) use exclusionary discipline only as a last resort, where it is necessary due to the student's presence causing an immediate danger to students or staff, or when it is the only means of stopping student misbehavior from substantially interfering with the delivery of educational instruction to others, and it is consistent with federal disability law. The District is committed to working with students who exhibit inappropriate behavior to ensure that students remain engaged in the District's educational program and are given every opportunity to reach their educational potential. The District will also ensure that students and parents/guardians<sup>1</sup> who are Limited English Proficient (LEP) will receive important education information, including discipline information, in a language they understand.

**Agreement Provisions**

**I. School Climate Oversight, Expert Consultant(s), and Equity Committee**

- A. With the goal of developing a positive school climate of belonging and success for all students, as well as to address the issues specified in the agreement, the Associate Superintendent of Educational Services will oversee the implementation of the agreement in collaboration with the four directors and Coordinators of the Educational Services Division (Administrative Team). This oversight will focus on the development of positive school culture district wide, manage the actions of contracted professional development providers, ensure data analysis by staff and committees, and report to both the Board and the Office of Civil Rights.

The Director and Coordinator of Student Services will be directly responsible to ensure that district policies and the discipline matrix reduce the subjectivity of disciplinary

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<sup>1</sup> The term "parents/guardians" as used herein also includes education rights holders.

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responses, facilitate the Advisory Committee meetings, and facilitate the monthly and semester meetings with administration with sites to review data and adapt actions, as well as to assist and direct trainings of administrators, advisors and site staff to reach determined outcomes.

The Director of Special Services and the Coordinator of Multiple Tiers of Student Supports will be directly responsible for building systems of analysis and instructional supports in order to direct responses to students who have a variety of learning needs and who do not meet benchmarked indices of positive progress toward a diploma and A-G eligibility, as well as, support students with social-emotional development and skills.

The Director of Data and Assessment will work to determine and implement the appropriate climate surveys and to provide the data necessary for intervention and reporting per the guidelines of the agreement.

The Director of Curriculum and Professional Development will work to assess, determine and implement the trainings necessary to develop positive school culture, a comprehensive programmatic approach to positive behavior interventions and supports, and a program of role specific trainings to address implicit bias, classroom management and disciplinary responses.

The Associate Superintendent will contract with providers to determine and implement appropriate cultural, instructional and systemic responses identified in the agreement. The Associate Superintendent, while overseeing the Uniform Complaint Policy of the district, will delegate investigations and ultimately oversee conclusions of law and corrective actions in order to address discriminatory actions consistent with board policy.

Reporting Requirements:

By January 31, 2018, the District will provide the names and contact information for each Administrative Team member described above. If any such positions are unfilled at that time, the District will describe for OCR who is responsible for the corresponding responsibilities until such position is filled. The District will ensure that all such positions are filled by March 31, 2018, and will provide OCR with the name and contact information of any such individual by March 31, 2018.

On June 30, 2018, and by the same date annually thereafter for the term of this Agreement, the District will provide OCR with a copy of all complaints of race, color, and national origin discrimination related to discipline for the prior school year, as well as a copy of the District's findings and resolutions of each such complaint (by email, if possible).

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- B. Expert Consultant(s)<sup>2</sup>: The District will retain or designate, as needed throughout the implementation of this Agreement, one or more consultants with expertise in nondiscriminatory discipline practices<sup>3</sup>, data analysis, research-based discipline strategies, and implicit bias. The expert(s) will assist the District in implementing this Agreement (including developing and implementing the Corrective Action Plan), monitoring and evaluating practices, and stakeholder involvement. Any expert consultant(s) will be approved by OCR. The District, after retaining its expert consultant(s), shall provide the expert consultant(s) with all appropriate information the expert consultant(s) believes is necessary to engage in this process.

Reporting Requirements:

Within 15 days of deciding to use an expert consultant(s), the District will inform OCR of any expert consultant(s) selected and their qualifications for OCR review and approval, and will provide proposed contracts to provide the services required by this Agreement.

- C. Stakeholder Equity Committee: The District will establish a Stakeholder Equity Committee (Committee) of community representatives within 90 days of execution of this Agreement. Such stakeholders should include site representatives, teachers, administrators, counselors, District administrators, special education staff or administrators, members of community organizations, as well as students and parents/guardians.

The Committee will meet twice a year at a minimum, by the following dates: March 31, 2018, and June 30, 2018, and by the same dates annually thereafter during the 2018-2019 and 2019-2020 school years, to review the District's student discipline data by race/national origin for the prior semester, as well as other relevant data and information to evaluate the District's progress in ensuring a positive school climate and nondiscrimination in discipline, as well as implementation of the corrective action plan described in Section II.A of this Agreement. The Committee will make recommendations to the District regarding the effectiveness of the District's discipline policies, practices, and procedures, and implementation of its Corrective Action Plan, described in Section II.A of this Agreement. The Administrative Team will coordinate Committee meetings and work.

The Committee will provide a written summary of findings and recommendations (report), and will submit its report to the District by June 30, 2018, and by the same dates

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<sup>2</sup> The expert(s) with whom the District consults may be a District employee or employees or an outside consultant with sufficient expertise.

<sup>3</sup> "Nondiscriminatory discipline practices" and "nondiscrimination in school discipline" is the administration of discipline in such a manner as to ensure that any racial disparities in disciplinary referrals and/or sanctions are not the result of discrimination prohibited by Title VI and its implementing regulations.

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for the 2018-2019 and 2019-2020 school years. The District Superintendent and Board will review the report and determine how to incorporate the Committee's recommendations into the Corrective Action Plan and for recommendations not incorporated, will provide a reason in writing to the Committee by August 31, 2018, and by the same dates for the 2018-2019 and 2019-2020 school years.

**Reporting Requirements:**

By March 31, 2018, and by the same date in the 2018-2019 and 2019-2020 school years, the District will provide documentation to OCR that the Committee required by this item has been established, the names, titles or position, as well as a calendar for the coming year's meetings and any other activities, and minutes from the previous meetings. By August 31, 2018, and by the same dates annually thereafter for the term of this Agreement, the District will provide OCR with copies of the Committee reports, any amendments to the District's Corrective Action Plan, and documentation showing the responsive steps taken.

**II. Corrective Action Plan**

- A. Identify Root Causes and Develop Corrective Action Plan: The District will, in consultation with the Administrative Team, Committee, and expert consultants as needed, examine the root causes of the racial or national origin disparities in the discipline of students in the District, including for Latino, LEP, and African-American students. This will include discipline data review and analysis as described in Section III.G of this Agreement, reviewing relevant literature, research-based practices, implementation of positive behavior interventions and supports, securing any expert input, assessing implicit bias and cultural sensitivity, reviewing District policies and practices as described in Section III.A of this Agreement, reviewing employee training practices, and engaging students, staff, and community stakeholders in order to identify and take both immediate and long term corrective actions necessary to address such root causes, as part of the District's strategies for meeting its goals described in General Principles. Based on this examination, the District will develop a Corrective Action Plan describing the corrective actions it has identified to ensure nondiscrimination in school discipline.

**Reporting Requirements:**

By August 1, 2018, the District will provide OCR with a draft Corrective Action Plan (that will include the root cause analysis) as required by Section II.A of the Agreement, for review and approval. Within 30 days after OCR approval, the District will implement the Corrective Action Plan. The District will provide OCR with documentation of such implementation no later than September 30, 2018, and by the same date in the 2019-2020 school year. Documentation of implementation of the Corrective Action Plan will include all changes in discipline policies or practices and the reasons for such changes, as

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well as data analysis regarding student discipline rates disaggregated by race, national origin and LEP status consistent with Section III.G. Throughout the course of this Agreement, the District will submit for OCR review and approval of any changes to the Corrective Action Plan, including any changes to policies, practices or procedures or other actions it proposes to make, prior to implementation.

### **III. School Discipline**

- A. Policy and Procedures Review and Revisions: The District will continue to review its student discipline policies and procedures, including those implementing positive behavior interventions and supports, and make revisions, as necessary, consistent with the goals of this Agreement and in consultation with any expert consultant (as defined in Section I.B) by August 1, 2018. In doing so, the District will also consider recommendations or suggestions made by the Committee described in Section I.C, as well as site specific practices and their relationship to discipline rates for students of different races/national origins and LEP students to identify internal best practices. The District will ensure that its student discipline policies and procedures, include the following:
1. a requirement that School staff attempt and document a range of positive corrective measures that do not result in the removal of a student from class before referring a student for discipline, unless it can be documented that the behavior causes a danger to persons or substantial disruption to the education environment that can only be remedied by such removal from class, and it is permitted by law;
  2. a list of minor inappropriate behaviors for which suspension or expulsion should never be used, and a list of minor inappropriate behaviors that warrant interventions other than discipline;
  3. elimination, to the maximum extent permitted by and consistent with the law, of vague, subjective or redundant offense categories, including categories that allow for a high degree of subjectivity in enforcement (e.g., willful defiance or disruptive behavior);
  4. definitions of misconduct that are clearly defined, uniform, and objective to the maximum extent possible and that clearly distinguish between similar acts, (e.g., fighting and physical aggression);
  5. the range of appropriate consequences that may be imposed for each infraction, appropriate consequences that are proportionate to the type of inappropriate behavior, and uniform criteria for staff to use when selecting a particular discipline response within the range of possible appropriate consequences;
  6. a clear explanation of how any progressive disciplinary policies, practices and procedures will be implemented consistently at each school, including criteria or guidelines for appropriate discipline response for first offenders and repeat offenders;
  7. appropriate due process standards for all students disciplined under the District's student discipline policies, practices and procedures, including a description of the

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- key elements of the discipline process (appeals, alternative dispositions, timelines, provisions for hearings, etc.);
8. a process that seeks to successfully reintegrate students within the School community who have been suspended, expelled, transferred, or excluded, or who return from alternative disciplinary placements, including counseling, tutoring or other additional educational services to permit the student to make up lost classroom time;
  9. a process to identify the predominant languages spoken by the District's Limited English Proficient (LEP) parents/guardians and English language learners (ELLs), for which translation of the District's discipline policies, practices and procedures, as well as discipline notices and other documents is appropriate, and the recently developed process that offers written translation and oral interpretation of these documents upon request for LEP parents/guardians and ELLs who speak other less common languages;
  10. clear, objective criteria for the use of involuntary and administrative transfers that incorporates appropriate due process, and delineates the process, objective criteria, and timelines for transferred students to return to their home school;
  11. clearly state that complaints by students, parents/guardians, or others alleging discrimination against students by school-based law enforcement may be filed through the District's Uniform Complaint Process and will be investigated through that process; and,
  12. during negotiations, the District provided OCR with a Board approved memorandum of understanding (MOU) recently entered into with the San Jose Police Department, and the District commits to implementing the MOU and District-related policies and procedures to ensure that there are clear definitions and limits on law enforcement involvement in disciplinary or behavioral incidents occurring at District schools, including that school administrators, not law enforcement, are responsible for routine school discipline matters, and law enforcement on District campuses will focus on major threats to school safety or serious school-based criminal conduct that cannot be safely and appropriately handled by a school's internal disciplinary procedures.

Reporting Requirements:

By June 30, 2018, the District will submit its definitions and revisions, if any, to the student discipline policies and procedures to OCR for review and approval. Within 60 days of OCR's approval, the District will provide documentation to OCR of implementation and that it has disseminated the revised documents to all District staff, students, and parents, and posted them in a prominent location on the District's website and in the School. Throughout the course of this Agreement, the District will submit for OCR review and approval any changes to the policies and procedures prior to their implementation.

- B. Early Intervention for At-Risk Students & Student Support System: Effective no later than August 1, 2018, the District will develop a plan that will be incorporated into its



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Corrective Action Plan at II.A to effectively tailor school-wide tiered supports and a range of interventions and supports that are supportive of the needs of students in order to decrease behavioral difficulties and to increase students' ability to benefit from the learning environment (School-Based Supports Plan). The School-Based Supports Plan will examine and describe the following:

1. how the District will ensure that school-wide tiered supports and a range of positive interventions and supports are used prior to disciplinary referral, such as adult and/or peer in-school mentoring, mediation, counseling and restorative community building approaches, including how such measures will be documented and the extent to which implementation of positive behavior interventions and supports at some sites is effective;
2. the Instructional Support Team (IST) process for identifying students who are at-risk of or demonstrate behavioral difficulties due to trauma or other experiences in and outside of school;
3. the process for building interpersonal, social and emotional competencies for at-risk youth;
4. the process for involving parents/guardians in developing social emotional competencies and proactively addressing behavior problems;
5. support for school staff to help them meet the needs of at-risk students;
6. the process for ensuring referral for psychological evaluation or other educational services, where needed; and,
7. the schedule, if any, established by the District, by school, to hire guidance counselors, social workers, mental health workers and, as applicable, restorative practices and positive behavior intervention staff.

Reporting Requirements:

By May 1, 2018, the District will submit a copy of the School-Based Supports Plan described in this item for OCR review and approval.

Within 30 days of receiving OCR approval, the District will begin implementation. By June 30, 2018, and by the same date during the 2018-2019 and 2019-2020 school years, the District will provide to OCR documentation of the steps taken to implement the plan in the prior school year.

- C. Student and Parent/Guardian Information Sessions: The District will provide informational sessions for parents/guardians of students and students at all District schools that will provide an accessible explanation of the District's disciplinary policies, what is expected of students under the policies, and the District's efforts in achieving nondiscriminatory discipline for all students. The District will offer the informational sessions to ensure maximum participation by students, parents and guardians. The



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District will provide oral interpretation at the sessions and translated materials for ELL students and LEP parents/guardians consistent with Title VI. The sessions will:

1. provide parents/guardians and students with the opportunity to raise concerns or suggestions regarding implementation of the District's disciplinary policies, including any issues in connection with fairness and nondiscrimination;
2. include participation by staff involved in the administration of discipline (e.g., administrators, teachers, counselors);
3. emphasize the District's commitment and goals as described in General Principles;
4. advise LEP parents/guardians of the right to receive translated or interpreted discipline information in a language they understand, consistent with Title VI;
5. include but not be limited to explanations of the discipline policy; the Committee and opportunities for participation in the Committee; the rights of students to due process; the range of non-exclusionary interventions, supports, and approaches to discipline to be documented and exhausted prior to exclusionary discipline; the definitions of offense categories; the specific manner in which progressive disciplinary consequences will be employed; the resources that are available to students to assist them in developing social emotional competencies; information about the staff to contact if there is a concern about discipline policy implementation or need assistance in addressing student behavioral problems; and the District's commitment to recognizing and reinforcing positive student behavior and to ensuring to the maximum extent possible that misbehavior is addressed in a manner that does not require removal from the educational program.

Reporting Requirements:

By September 30, 2018, and by the same date during the 2019-2020 school year, the District will provide OCR with documentation that the information sessions required by this item have been conducted, including materials distributed at the sessions, any recommendations, suggestions or reports provided by parents/guardians and students, at the sessions, and any revisions to the plans developed by the District or other steps taken in response to the input at these sessions.

- D. Staff Discipline Training: The District will provide annual discipline training to all District teachers, administrators, and school aides, school security officers, and any other District or site staff who supervise students, make discipline referrals, and/or impose discipline sanctions, by August 30, 2018, and by the same date during the 2018-2019 and 2019-2020 school years. The training will include an opportunity for employees to raise concerns or suggestions for improving the District's disciplinary policies, including any issues related to fairness and nondiscrimination on the basis of race, color, national origin (including LEP status). The training will include:

1. the District's commitments and goals as described in General Principles;

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2. detailed explanations of the discipline policy; the interventions and supports to be documented and exhausted prior to exclusionary discipline; the specific manner in which progressive disciplinary consequences will be employed if applicable; and the documentation that must be developed and maintained by all staff who make disciplinary referrals or impose disciplinary sanctions;
3. the District's system for maintaining and analyzing data on student discipline as described in III.G-F., *infra*;
4. how to administer discipline fairly and equitably, including ensuring nondiscrimination in discipline by eliminating any bias (explicit or implicit) in discipline decision-making;
5. the value of recognizing and reinforcing positive student behavior, and the importance of addressing misbehavior in a manner that, to the maximum extent possible, does not remove students from the class and educational program; and,
6. policies and procedures for identifying students with LEP parents/guardians, and providing oral interpretation and written translation of discipline information.

Reporting Requirements:

By June 30, 2018, the District will provide the training materials, and the qualifications of the individuals providing the training for OCR review and approval. The District will provide documentation to OCR that it provided the first staff discipline training by August 30, 2018; and by the same date during the 2018-2019 and 2019-2020 school years. .

- E. Publicly Available Discipline Data: The District will convey to the community the data it collects on the use of discipline, disaggregated by race, color, national origin, LEP/ELL status, school, and reasons leading to exclusionary discipline. While protecting the privacy of individual student data, the aggregate data will include alternatives to exclusion, disciplinary referrals, suspensions, disciplinary transfers, expulsions, and referrals to law enforcement, citations, and arrest. This information will be shared at a School Board meeting open to community members at least annually, and published online on the District's website, and will include enrollment data and percentages by race and LEP/ELL status, for comparison.

Reporting Requirements:

By January 31, 2018, the District will provide, for OCR review and approval, a description of how it will publicly provide the data described above, and the data points to be provided. By June 30, 2018, and by the same date annually thereafter for the term of this Agreement, the District will provide documentation to OCR that it has made this data publicly for the prior school-year available and held a public meeting discussing the data.

F. Discipline Data Collection: The District will establish uniform standards for the content of student discipline files. The District will collect and report data regarding the range of interventions and supports to student discipline, disciplinary referrals, including those that do, and do not result in discipline sanctions, including warnings and non-exclusionary consequences, as well as any exclusionary consequences, including short-term removals from class to the office or other room, suspensions (in school and out), expulsions, disciplinary transfers, and referrals to law enforcement, citations, and arrests. By the end of the 2017-2018 year and thereafter, the District will ensure its discipline system includes collection of at least the following information at the School:

1. the name/identification number, race, color, ethnicity, sex, age, disability, school, and grade level of each student referred for discipline; and for each referral;
2. the name/identification number, race, ethnicity, sex, age, grade level, disability, as applicable, and grade level of all other students involved in the incident, whether or not they were referred for discipline themselves;
3. a description of the alleged misconduct;
4. a description of all the non-exclusionary interventions, supports, and approaches that were used and documented to address the behavior at issue prior to referral for discipline and prior to exclusionary discipline;
5. the date and time of day of the referral;
6. the specific discipline code violation for which the referral was made;
7. the referring staff member (by staff identification/employee number);
8. the location within the School and type of class from which the referral was made or other specific settings (e.g. bus referral, hallway referral, playground referral);
9. whether there were any student and/or adult witnesses of the incident; names of witnesses;
10. the prior disciplinary history of the student;
11. the specific code violation for which the student was punished and the penalty/sanction imposed or, if no violation was charged or penalty/sanction imposed, the reason why, and if the sanction imposed was greater or less than the sanction listed in the policy, the reason why;
12. for students with disabilities, the results of any manifestation determination meetings;
13. the date the penalty/sanction was imposed;
14. the length of the penalty/sanction (in number of days/periods);
15. the staff member who assigned the penalty/sanction (by staff identification/employee number or other identifier);
16. whether the student was transferred to an alternative school or another school site;
17. whether the student was expelled, and if so, the length of and basis for the expulsion;
18. whether school-based or local law enforcement were notified, and whether the student was searched, cited, arrested, or otherwise sanctioned by law enforcement;
19. any other non-punitive interventions arising out of each referral incident, including, but not limited to, skill building, peer mentoring, counseling, restorative circle;
20. whether, when, and how the parents were contacted in connection with each referral

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incident.

Reporting Requirements:

By July 31, 2018, the District will provide this data for 2017-2018 school year (to the extent the District collected it for 2017-2018) and by the same date after the 2018-2019 and 2019-2020 school years, the District will provide to OCR the data referenced in this item for the previous full academic school year. The District will also provide this data, for the 2016-2017 school year (to the extent the District collected it for 2016-2017) by March 1, 2018.

- G. Discipline Data Analysis & Site Team Meetings: Starting with the 2017-2018 school year, the District will evaluate on an ongoing basis but at least monthly basis, the data referenced herein, to assess whether the District is implementing its student discipline policies, practices and procedures in a nondiscriminatory manner. The Administrative Team and/or the designee will convene each site principal and discipline site team at the conclusion of each semester to discuss the data referenced herein, assist the site team with understanding, analyzing and using the data, and assess their school's progress relevant to the Corrective Action Plan. After the District meeting, and at the conclusion of each semester, the principal and discipline site team at each school in the District also will meet with the administrators, teachers, and other relevant staff at their school to discuss the data gathered and analyzed and the school's progress relevant to the Corrective Action Plan. The evaluation of the data may be conducted as part of the Committee, or separately, and will include the following review of data with respect to each or national origin group and ELL/LEP students, whether:
1. students of a particular race or national origin, including Latino and ELL/LEP students, are more likely than students of other races or national origins to receive:
    - a. disciplinary referrals and sanctions;
    - b. exclusionary sanctions, such as suspensions, or harsher sanctions, such as longer suspensions, disciplinary transfers, expulsions, or referrals to law enforcement than students of other races/national origins;
    - c. certain types of offenses leading to discipline sanctions, or exclusionary discipline sanctions for referrals for certain types of offenses, such as subjective or objective offenses;
    - d. referrals for disciplinary transfers and expulsions; and,
    - e. referrals, citations, or arrest by school-based or local law enforcement;
  2. certain teachers and administrators refer students for discipline or impose harsher discipline sanctions (e.g. exclusionary sanctions) on students of a particular race or national origin, including Latino and ELL/LEP students, at a higher rate than students of other races or national origins;

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3. students of a particular race or national origin, including Latino and ELL/LEP students, are referred to, or searched, cited, or arrested by school-based or local law enforcement at higher rates than students of other races and national origins;
4. whether all students are consistently referred for similar misbehaviors without regard to race or national origin;
5. consequences imposed are consistent with the consequences specified in the District's discipline policies and procedures, and where exceptions are made, whether they are justified by legitimate, non-discriminatory reasons;
6. if the data reflects higher rates of discipline and/or law enforcement contacts for Latino or ELL/LEP students, the meetings discussed above will explore possible causes for the higher rates and consider and determine steps needed to ensure nondiscrimination in discipline and align any next steps with the Corrective Action Plan; and,
7. if the data shows a particular teacher, administrator or other staff member refers students at a higher rate than others, refers Latino or ELL/LEP students at higher rates, or administers harsher consequences to Latino and ELL/LEP, the principal, in consultation with the Administrative Team, will meet with that teacher to discuss the data and examine potential solutions. If the information suggests that the teacher is failing to adhere to the District's student discipline policies, practices and procedures or is engaging in discrimination, the principal will take appropriate action.

Reporting Requirements:

By July 31, 2018 and March 1, 2019, and by the same dates during the 2018-2019 and 2019-2020 school years, the District will provide to OCR the data analysis and summary of findings discussed in this item, including any amendments that it proposes to make to its Corrective Action Plan, a description of the District meetings held regarding the data, and any District and site-based actions taken to address the findings.

- H. Memorandum of Understanding (MOU) with Law Enforcement: The District has revised its MOU with the San Jose Police Department (Police Department) and commits to ensuring the MOU is implemented to meet the requirements of Sections III.A.12 and III.F.18, and will provide relevant training for Police Department officers who will respond to incidents at the District's schools or at District sponsored programs or activities. Such training will include the District's non-discrimination obligations under Title VI, the terms of the MOU, the District's revised student discipline policies, practices, and procedures, how to work with the District's students in a manner consistent with this Agreement including ELL/LEP students/parents/guardians, and the District's commitment to reinforcing positive student behavior and ensuring to the maximum extent possible that misbehavior is addressed in a manner that does not require exclusion from the educational program.

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Reporting Requirements: By August 31, 2018, the District will confer with OCR to review implementation of the November 15, 2017 MOU, to ensure it is being implemented consistently with Sections III.A.12 and III.F.18, above, and will propose revisions, if necessary, to achieve such consistency. If the Police Department proposes changes to the terms of the November 15, 2017, MOU the District will immediately notify OCR, which will review and approve proposed amendments and assist the District to resolve any differences and finalize the MOU within the 30 day period. The District will not enter into a revised MOU with the Police Department that is not approved by OCR during the term of this Agreement.

#### **IV. School Climate Surveys**

- A. Discipline Climate Survey: Beginning in the 2017-2018 school year, and following approval by OCR of the survey instrument and survey administration methodology, the District will annually administer a comprehensive climate survey to students, teachers/staff, and parents of all District schools to measure their perceptions of the District's administration of school discipline. In particular, the survey will measure perceptions of school safety and fairness and equity in the administration of school discipline, as well as clarity of rules and behavioral expectations.

Reporting Requirements: By May 1, 2018, the District will provide OCR for its review and approval the climate surveys it proposes to use and the methods by which it will administer the surveys to maximize the response rate. By June 30, 2018, and by the same date in the 2019-2020 school year, the District will provide OCR for its review and approval a copy of the survey results and a description of actions it proposes to take the following school year based on the survey results, including any changes to the Corrective Action Plan. By June 30, 2019 and June 30, 2020, the District will document to OCR the steps it has taken during the prior year in response to the previous school year's survey results.

#### **V. Translation & Interpretation**

- A. Policies and Procedures: The District will adopt Board Policies and Administrative Procedures (policies and procedures) to ensure the written translation and oral interpretation for LEP parents/guardians of important educational information that is provided in English, including student discipline information (suspension, involuntary transfer, and expulsion notices, school disciplinary rules/expectations, etc.). These policies and procedures will be consistent with the plan for written translation and oral interpretation that the District has developed pursuant to OCR case number 09-15-1253.

Reporting Requirements: By March 1, 2018, the District will provide, for OCR review and approval, draft policies and procedures regarding written translation and oral interpretation, as described above. Within 90 days of approval from OCR, the District



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will provide OCR with documentation that it has adopted the policies and procedures, and notified District and site staff of the policies and procedures.

- B. Translation & Interpretation of Discipline Information: The District will provide OCR with a list of the students with LEP parents/guardians who were suspended (out-of-school), expelled, or involuntarily transferred. OCR will use the list to select a set of no more than 30 students (and a corresponding discipline incident for each such student) for whom the District will provide the following regarding each such student/incident: (1) a copy of the written translated discipline documents, or an explanation why no written translation was provided; and, (2) whether an oral interpreter was provided for any related discipline meetings, including the name and qualifications for each oral interpreter. If OCR determines that the LEP parents/guardians of any students reviewed through this process were unable to obtain equal access to the discipline process, the District will work with OCR to remedy the situation, including through translation or interpretation of information and, if appropriate, by providing compensatory education and/or assessing whether to rescind or amend the discipline determination.

Reporting Requirements: By March 30, 2018, and June 30, 2018, and by the same dates during the 2018-2019 and 2019-2020 school years, the District will provide the list of disciplined students with LEP parents/guardians from the prior semester to OCR. Within 30 days of OCR's selection of specific students/incidents from the list, the District will provide the documents described above for each student/incident.

## **VI. Individual Student Remedy**

- A. The District will reimburse the Student for educational and other related costs in the amount of \$1,250.

Reporting Requirements: By January 30, 2018, the District will provide OCR with documentation it has reimbursed the Student as described above.

- B. The District will establish an Educational Fund for the Student in the amount of \$800.00 for community college, trade school, or other career or technical education costs, including but not limited to tuition and fees, and books and supplies. The Student may access the Educational Fund by submitting receipts or invoices for such costs, to the District for reimbursement or payment. The Educational Fund must be used by September 1, 2020.

Reporting Requirements: Within two weeks after the funds in the Educational Fund are exhausted or September 1, 2020, whichever comes first, the District will provide documentation to OCR that the Fund was exhausted by the Student or expired, including a copy of any receipts or invoices submitted, and proof of payment by the District.



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## **VII. Monitoring**

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Title VI and its implementing regulation at 34 C.F.R. § 100.3, which was at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss the case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
12/13/2017  
Date